

IN THE UNITED STATES DISCTRRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

TYLER JAMES SMITH

PLAINTIFF

v.

CIVIL ACTION NO. 5:21-CV-69-DCB-BWR

WARDEN SCOTT MIDDLEBROOKS,

ET AL.,

DEFENDANTS

ORDER

THIS MATTER is before the Court on Magistrate Judge Walker's sua sponte Report & Recommendation ("R&R") [ECF No. 31], concerning Plaintiff's failure to prosecute this action and failure to comply with the Court's orders. The R&R was entered on July 15, 2022, and objections to it were due by July 29, 2022. No party has filed an objection, and the time to do so has elapsed.

Judge Walker recommended that the matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). Judge Walker cites Plaintiff's repeated failure to comply with Court orders directing him to file responses in a timely manner, as well as a failure to explain why he has not complied with orders from this Court. [ECF No. 31] at 1-2. Further, Judge Walker has previously warned Plaintiff that the matter may be dismissed if he failed to comply with Court orders. Id.

After conducting a de novo review of the R&R, the Court agrees with Judge Walker's recommendation. Accordingly, the R&R is ADOPTED and Plaintiff's claims against Defendants are hereby DISMISSED without prejudice. Defendants' Motion for Summary Judgment is DENIED as moot.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 16th day of August, 2022.

/s/ David C. Bramlette  
DAVID C. BRAMLETTE III  
UNITED STATES DISTRICT JUDGE